

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD
FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON
MONDAY, OCTOBER 1, 2007 AT 7:30 P.M.**

The meeting of the **New Albany City Council** was called to order by President Larry Kochert at 7:47 p.m. The meeting opened with the Lords Prayer and the Pledge of Allegiance.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Schmidt, Mr. Price, Mrs. Crump, Mr. Gahan, Mr. Blevins, Mr. Messer, Mr. Zurschmiede and President Larry Kochert.

OTHERS: Council Attorney Jerry Ulrich and City Clerk Marcey Wisman.

ALSO: Mayor James Garner and Board of Works member Matt Denison

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Coffey moved to approve the September 20th meeting minutes, Mr. Crump second, all voted in favor.

Mr. Schmidt moved to amend the agenda to do the CF-1 forms first, Mrs. Crump second, all voted in favor.

APPROVAL OF CF-1 FORMS:

Mitchell Veneer, Inc., Compliance With Statement
Of Benefits, Referencing R-05-11

Mr. Coffey moved to approve, Mrs. Crump second, all voted to approve.

COMMUNICATIONS – PUBLIC:

Sandra Heeke addressed the council regarding her objection to bill Z-07-17. She explained that her main concern is the condition of the road and the added traffic that could cause serious accidents in that area. She urged them to have a traffic study done of Payne Koehler before approving this bill. She also had a concern with the change of character of the neighborhood and doesn't think there is a need for that large of a piece of property for apartments. She asked that rather than changing this to an R-3 that they change it to an R-2 which would still allow a development of patio homes.

Vickie McCombs addressed the council regarding her objection to Z-07-17 and her reasoning for the objection as well as the concerns of the neighborhood; namely the traffic on Payne Koehler and the loss of green space and displacement of wildlife. She read numerous emails that she has received from her neighbors who are also in objection to this rezoning.

Dawn Smith, resident of Payne Koehler Road, discussed her objections to Z-07-17; namely the character of the neighborhood and traffic.

Carol Shope, 3828 Payne Koehler Drive, gave a prepared statement as to why this area should be zoned R-3. She stated that this area is already mostly zoned R-3 and that this makes it ideal for multiple family dwellings. She stated that the property is close to the future establishment of Purdue University and they will be in need of quality housing. She stated that these are mostly part-time faculty and graduate students and not necessarily the type of individuals that the residents of this area seem to think will be moving into the area and explained that some were offended by the attitude of the individuals in the area and their objection to certain "types" of people moving in. She stated that she has talked with people that are looking into widening the road and installing sidewalks and bike paths to alleviate traffic concerns.

Randy Smith spoke in objection to A-07-28. He stated that this ordinance is going to be set up to rob the TIF district to create a general string of revenue to be spent in any way. He stated that he has looked over minutes all the way back to 2001 and they never authorized the loan to EDIT from TIF and now they are looking to go for both the second and third reading of this ordinance tonight. He stated that they need to understand that the legislature sets up relevant statutes regarding taxing ability and the council should not undo what the general assembly has created. He believes some of the council wants to see the down town die and some of the council refuse to take responsibility to create jobs.

Debbie Farmer, President DNA, addressed the board about the work that DNA has done in New Albany and projects that they are working on in the future and the result that they are seeing with the downtown merchants and would hope that the council would take this into consideration before voting.

COMMUNICATIONS – CITY OFFICIALS:

Mr. Coffey stated that DNA and One Southern Indiana want a total of \$140,000 of tax payer's money. He has been told that we have a higher rate of crime than Gary Indiana, but the City does not have the money to hire new police officers. He asked if they wanted to really fund groups that haven't shown progress or another parking garage that will fail like the first or do they want to hire pertinent personnel for the City. He stated that they can't allow a small group to bully them into pouring all the money into downtown and subsidizing their businesses when there is a need for funds throughout the City.

John Rosenbarger presented a map to the council showing the zoning in the requested zoning change area. He discussed the Plan Commissions stance on why it should be zoned R-3 and stated that this is very appropriate for this zoning. He also discussed the current parking garage and stated that it is generating a positive cash flow.

Mr. Price asked how many apartments they could possibly have on this property.

Mr. Rosenbarger said up to 12 per acre.

Mr. Price asked if all the money that they are paying for electricity and elevator fees are coming out of the \$20,000 that they receive as income on the parking garage.

Mr. Rosenbarger stated that it is coming out of the cash flow from fees for the garage so it is making a profit. He stated that they will have to do some repairs to the building in the next ten years or so.

Mr. Coffey stated that having said that the profit is still not enough to pay for the maintenance that the garage is going to need and he explained that when they set it up the bank was supposed to have two or more floors and they are just sitting there and not generating the occupancy that they intended.

Mr. Rosenbarger stated that this is correct that they didn't reach their occupancy because of delays in the plans.

Mr. Coffey stated that the problem with these mistakes is that it takes money out of the EDIT revenue and these shortages could put needed personnel that is needed by the community back on the street.

Mr. Price stated that they also used EDIT money to keep the sewer rate down.

There was a lengthy discussion regarding TIF, EDIT and property taxes and how they are being used in the city.

Mr. Messer asked about who maintains the parking garage.

Mr. Rosenbarger stated that redevelopment does and explained that they have a contract with central parking.

Mr. Messer stated that money has to be made there or they wouldn't be interested in the contract.

There was a lengthy discussion regarding the downtown parking garage and how it is currently being run and maintained.

Jeff Gahan thanked the individuals from Julian Drive for taking the time to send all the emails and letters with their concerns regarding Z-07-17. He stated that on the map he sees several PUDS' in the area and he asked Mr. Rosenbarger why this project was not presented as a PUD rather than a zoning change.

Mr. Rosenbarger explained that the Plan Commission felt that this area fit the zoning for R-3 and multi-unit housing.

Mr. Schmidt reported that he received information from the auditor's office that in 2005-2006 they cut out over \$4M dollars that didn't go into property tax so he doesn't believe TIF is such a big issue.

COMMUNICATIONS – MAYOR:

Mayor Garner asked that they either put off A-07-28 or vote it down. He stated that there are developers that want to make an investment downtown and if their own people don't want to make investments in the City how can they expect others outside of the City to want to invest. They need to continue with the process to even see if it is feasible. He stated that they have taken EDIT money and invested in the sewers in the roads and they wouldn't have been able to do any of this without the EDIT dollars.

COMMITTEE REPORTS:

Jack Messer reported on the Redistricting committee meeting and asked for feedback from the council as soon as possible.

APPOINTMENTS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS:

READING

R-07-34 Resolution Regarding Downtown TIF Funds to be
Used for the Repayment of EDIT Funds that were
Used to Make the Bond Payments on the State
Street Parking Garage

Coffey

Mr. Coffey tabled this resolution

Z-07-17 Ordinance Amending the Code of Ordinances of New
Albany, Indiana, Title XV, Chapter 156 (Docket
A-02-07 – Carol and Terry Shope)

Zurschmiede 1

Mr. Zurschmiede moved for the first reading of Z-07-17, Mr. Coffey second, all voted nay.

Mr. Gahan asked Mrs. Shope if it is correct that there is also a plan to build apartments on this property.

Mrs. Shope stated that there is no set plan for this property.

Mr. Blevins stated that if a developer has a piece of property that will put as much as they can on it to get the return on the money. He stated that he has seen first hand the traffic issues on Payne Koehler. He stated that he would like to know what they plan to use this property for before they approve rezoning.

Mr. Coffey stated that it is not fair to the neighborhood to allow spot zoning for property around them.

Mrs. Crump asked what zoning is needed for patio homes.

Mr. Rosenbarger stated that it would take an R-3 for patio homes.

Z-07-18	Ordinance Amending the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156 (Docket A-03-07 – Riverman Tract)	Zurschmiede 1
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Mr. Zurschmiede moved for the first reading of Z-07-18, Mrs. Crump second, the motioned passed with five aye votes from Mr. Schmidt, Mrs. Crump, Mr. Gahan, Mr. Messer and Mr. Zurschmiede, two votes of nay from Mr. Blevins and Mr. Price. Mr. Coffey and Mr. Kochert abstained.

Mr. Rosenbarger explained that this is the area that they brought before them a couple of months ago and there was some confusion regarding the issues before them. He explained that this will change it from unzoned to zoned and it will be R-2.

Mr. Wood explained that R-2 holds the developer to a higher standard.

Z-07-19	Ordinance Amending the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156 (Docket P-16-07 – Scott Hannah (Chaudry))	Zurschmiede 1
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Mr. Zurschmiede tabled

A-07-28	Ordinance Regarding Downtown TIF Funds to be Used for the Repayment of EDIT Funds that were Used to Make the Bond Payments on the State Street Parking Garage	Coffey 2
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Mr. Coffey moved for the second reading of A-07-28, Mr. Price second, the motion passed with five aye votes from Mr. Coffey, Mr. Schmidt, Mr. Price, Mr. Blevins and Mr. Kochert, and four votes of nay from Mrs. Crump, Mr. Gahan, Mr. Messer and Mr. Zurschmiede.

Mr. Coffey stated that he will hold the third reading until the ladies come back with more information.

Mr. Gahan asked why he is pushing this if there is a time table on this.

Mr. Coffey stated that he wants to keep this moving to keep pressure on the developers to come up with the answers. He stated that they have been working on it for a few months and this is the first that he has heard about it and he would like them to provide it.

Mr. Zurschmiede stated that he doesn't understand why they would want to put pressure on a development that wants to bring a \$20-25M project to the City.

MISCELLANEOUS COMMUNICATIONS: (public comments on non-agenda items)

Mr. Messer stated that he would like to amend the agenda to look over the proposal that the redistricting committee received and to discuss the issues presented, Mrs. Crump second,

Mrs. Crump stated that she could not agree to a \$50 per diem for individuals to sit on this committee.

Mr. Blevins stated that he thought the committee was supposed to sit down with the other party and come up with a new proposal.

Mr. Messer explained that this is the Plaintiff's proposal for the council to look over and discuss to hash out the details in order for them to drop the lawsuit.

There was a lengthy discussion regarding the proposal presented to the council from the Plaintiffs

Mr. Smith stated that this was originally presented to them on September 12 and that is why there is the October 2 deadline but they are not opposed to extending the deadline and they can change that date to October 14th.

Mr. Messer stated that he needs for the council to look over it and come up with a written response for the plaintiff's.

Mr. Gahan stated that on the tabled ordinances he has R-07- 02 for One Southern Indiana and he explained that the reason it has been on there for a while because it was the opinion of the council that they need to look at their budgets first and he wanted to know if they could begin discussion about this again and schedule a work session sometime in the near future.

The Council scheduled a work session for 6:00 p.m. before the next meeting.

ADJOURN:

There being no further business to be heard, the meeting adjourned at 9:54 p.m.

Larry Kochert, President
Common Council, City of New Albany

ATTEST: _____
Marcey J. Wisman, City Clerk